

**STATEMENT OF BASIS (AI No. 19017)**

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0074322 to discharge to waters of the State of Louisiana.

**THE APPLICANT IS:** Wisner Minnow Hatchery, Inc.  
Haring Catfish #2  
681 Pete Haring Rd.  
Wisner, LA 71378

**ISSUING OFFICE:** Louisiana Department of Environmental Quality (LDEQ)  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

**PREPARED BY:** Kelli Hamilton

**DATE PREPARED:** May 19, 2009

**1. PERMIT STATUS****A. Reason For Permit Action:**

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

**B.** LPDES permit - LPDES permit effective date: March 1, 2004  
LPDES permit expiration date: February 28, 2009  
EPA has not retained enforcement authority.

**C.** Date Application Received: September 26, 2008

**2. FACILITY INFORMATION****A. FACILITY TYPE/ACTIVITY - catfish processing plant**

Wisner Minnow Hatchery, Inc. is an existing catfish processing plant. The facility processes live catfish. The operating procedures are to receive the catfish via truck, de head, eviscerate (disembowel), skin, chill, wash, and package the catfish. Solids are shipped to a rendering plant.

**B. FEE RATE**

1. Fee Rating Facility Type: minor
2. Complexity Type: II (BPJ points to 0 as per administrative decision)
3. Wastewater Type: II
4. SIC code: 2092

**C. LOCATION -** 3889 Highway 562 in Wisner, Franklin Parish  
Latitude 31°58'05", Longitude 91°40'47"

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### 3. OUTFALL INFORMATION

#### Outfall 001

Discharge Type: treated combined process and sanitary wastewater  
Treatment: four ponds/lagoons, the first two of which are aerated, followed by a shallow serpentine evaporative lagoon of 10 acres  
Location: at the point of discharge from the treatment system (Latitude 31°58'2", Longitude 91°40'46")  
Flow: 63,000 gpd  
Discharge Route: unnamed ditch, thence into Black Bayou, thence into Brushy Bayou, thence into Deer Creek

### 4. RECEIVING WATERS

STREAM - unnamed ditch, thence into Black Bayou, thence into Brushy Bayou, thence into Deer Creek

BASIN AND SEGMENT - Ouachita River Basin, Segment 081003

DESIGNATED USES - b. secondary contact recreation  
1. limited aquatic life and wildlife use

### 5. TMDL WATERBODIES

Subsegment 081003 of the Ouachita River Basin is not listed on LDEQ's Final 2006 303(d) List as impaired.

However, the receiving stream for subsegment 081003, Deer Creek, was included in the Boeuf River TMDL - Subsegment 080901. Therefore, the limits provided in the TMDL have been placed in the permit.

### 6. CHANGES FROM PREVIOUS PERMIT

None

### 7. COMPLIANCE HISTORY/COMMENTS

#### A. Compliance History

No records of recent compliance actions were found.

B. DMR Review/Excursions - A DMR review was completed for June 2007 through May 2009. The excursions are as follows:

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<u>DATE</u>	<u>PARAMETER</u>	<u>OUTFALL</u>	<u>REPORTED VALUE</u>		<u>PERMIT LIMITS</u>	
			<u>MONTHLY AVERAGE</u>	<u>DAILY MAXIMUM</u>	<u>MONTHLY AVERAGE</u>	<u>DAILY MAXIMUM</u>
6/07	pH	001	9.39	9.39	6	9
7/07	pH	001	9.2	9.56	6	9
1/08	pH	001	9.18	9.29	6	9

#### 8. EXISTING EFFLUENT LIMITS

Outfall 001 -	(lbs/day)	(mg/l)
CBOD(4/1-11/30)	7.9:15.8	15:30
CBOD(12/1-3/31)	15.8:23.6	30:45
NH3-N(4/1-11/30)	3.9:7.9	7.5:15
NH3-N(12/1-3/31)	7.9:11.8	15:22.5
TSS(4/1-11/30)	11.8:23.6	22.5:45
TSS(12/1-3/31)	23.6:31.5	45:60
Oil and Grease	---:7.9	---:15
Fecal Coliform		1000:2000
pH		6-9

#### 9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 081003 of the Ouachita River Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

#### 10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

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#### **11. TENTATIVE DETERMINATION**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

#### **12. PUBLIC NOTICES**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

#### **13. STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT**

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water shall not be required to obtain and LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. For renewal permit issuance, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility. (see Narrative Requirements for the AI)

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**Rationale for Wisner Minnow Hatchery, Inc.**

1. **Outfall 001** treated combined process and sanitary wastewater (estimated flow is 63,000 gpd)

<u>Pollutant</u>	<u>Limitation</u>		<u>Reference</u>
	Mo. Avg:Daily (lbs/day)	Max Mo. Avg:Daily (mg/l)	
Flow (GPD)	Report:Report	---:---	LAC 33:IX.2707.I.1.B
CBOD <sub>5</sub>			
(April 1-November 30)	7.9:15.8	15:30	Boeuf River TMDL
(December 1-March 31)	15.8:23.6	30:45	
NH <sub>3</sub> -N			
(April 1-November 30)	3.9:7.9	7.5:15	Boeuf River TMDL
(December 1-March 31)	7.9:11.8	15:22.5	
TSS			
(April 1-November 30)	11.8:23.6	22.5:45	BPJ; *
(December 1-March 31)	23.6:31.5	45:60	
Oil & Grease	---:7.9	---:15	BPJ; *
Fecal Coliform			
(colonies/100ml)		1000:2000	LAC33:IX.1113.C.5.b
pH (su)		6.0-9.0	40 CFR 408 Subpart A

Treatment: four ponds/lagoons, the first two of which are aerated, followed by a shallow serpentine evaporative lagoon of 10 acres

**Monitoring Frequency:** 2/month

**Limits Justification:** The facility's operations are subject to effluent limitations guidelines for the Farm-Raised Catfish Processing Subcategory, 40 CFR 408 Subpart A; however, more stringent state requirements are being placed in the permit. Mass limits have been calculated based on the concentration limits and the current facility flow.

LDEQ's implementing guidance, in consideration of anti-backsliding provisions of the Clean Water Act, specifies that if a pollutant is covered under both the existing permit and the Effluent Limitations Guidelines, the more stringent of the two applies. Therefore, limits for TSS and oil and grease have been set based on the previous permit and similar permitted facilities (eg WP2168, EDMS Document 25256971).

Although this facility's discharge flows into Deer Creek, which is in subsegment 081003, limits for CBOD<sub>5</sub> and NH<sub>3</sub>-N have been set in accordance with the Boeuf River TMDL for Subsegment 080901. Deer Creek is a tributary to the Boeuf River, therefore was included in the TMDL.

Fecal Coliform limits have been set as per LAC33:IX.1113.C.5.b, for the designated use of secondary contact recreation.

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\* Existing permits for similar outfalls  
BPJ Best Professional Judgement  
su Standard Units